(17)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, C.J.
HON'BLE SHRI SATISH K. AGNIHOTRI, J.

Misc. Appeal (C). No.89 of 2006.

APPELLANTS **CLAIMANTS**	1.	Ayodhya Prasad Sharma, S/o. Late M.N. Sharma, aged about 46 years.
	2.	Smt. Chamdi Bai, W/o. Ayodhya Prasad Sharma, aged about 42 years.
	3.	Virendra Kumar Sharma, S/o. Ayodhya Prasad Sharma, aged about 23 years.
		All are resident of Pandariya Road, Near Water Tank, Mungeli, Thana & Tahasil-Mungeli, District Bilaspur (C.G.)
	Vs.	
RESPONDENTS **Non-applicant No.1**	1.	Tek Ram, S/o. Jagesar, age about 42 years, Caste-Gond, Driver of Vehicle
Non-applicant No.2	2.	S. Amarjit Singh, S/o. Rabel Singh Saluja, age about 43 years, owner of vehicle.
		Both resident of Pandariya, Thana-Kunda, Tahasil-Pandariya, District-Kabirdham (C.G.)
Non-applicant No.3	3.	The New India Insurance Co. Ltd., Rajendra Nagar Chowk, Bilaspur (C.G.)

Present : Shri Vimlesh Bajpai, learned counsel for the appellants.

ORAL ORDER
(Passed on 13th September, 2006)

The following order of the Court was passed by

S.R. Nayak, C.J.

In this appeal preferred by the legal representatives of the deceased, the only contention urged by the learned counsel for the appellants is that the MACT is not justified in taking the income of the deceased at the rate of Rs. 2,440/- per month for the purpose of computing loss of dependency. It was contended that the deceased in addition to the above salary was also earning additional income by owning and driving a Jeep. The said claim of the appellants-claimants was not accepted by the MACT, according to us, on valid grounds. It is highly incredible for a Government employee that without the permission of the State-Employer owning a Jeep and driving the same for hire and earning income. Be that as it may, we have another weighty reason not to interfere with the impugned award. The claimants are the parents and brother of the deceased and all of them are majors. In normal course, while computing the loss of dependency, the MACT ought to have deducted 50% of the income of the deceased towards his personal expenses, whereas the MACT has deducted only 1/3rd of the income of the deceased towards his personal expenses. In other words, the compensation awarded by the MACT is on higher side and it does not call for any interference. No other points were urged before us to assail the validity of the impugned award. The appeal is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Brajesh